

## MEMORANDUM

IRCA

AGENDA ITEM NO. 2 (E)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** April 11, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution calling a special  
election with regard to  
initiative petitions

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The accompanying resolution was prepared and placed on the agenda at the request of Senator Javier D. Souto.



Murray A. Greenberg  
County Attorney

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# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** May 9, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No.

5-9-06

RESOLUTION NO. \_\_\_\_\_

RESOLUTION CALLING A SPECIAL ELECTION IN CONJUNCTION WITH A COUNTYWIDE ELECTION IN MIAMI-DADE COUNTY, FLORIDA, TO BE HELD ON TUESDAY, \_\_\_\_\_ FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF MIAMI-DADE COUNTY THE QUESTION OF WHETHER TO AMEND THE HOME RULE CHARTER TO PROVIDE THAT THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS APPROVE THE FORM OF INITIATIVE PETITIONS, RATHER THAN THE BOARD OF COUNTY COMMISSIONERS

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
MIAMI-DADE COUNTY, FLORIDA:**

Section 1. A special election to be held in conjunction with a countywide election is hereby called and shall be held in Miami-Dade County, Florida on Tuesday, \_\_\_\_\_ for the purpose of submitting to the qualified electors of Miami-Dade County the proposal for amendment to the Home Rule Charter in the form attached hereto and made a part hereof.

Section 2. Notice of such election shall be published in accordance with Section 100.342, Florida Statutes.

Section 3. The result of such election shall be determined by a majority of the qualified electors of Miami-Dade County voting upon the proposal. The polls at such election shall be open from 7:00 a.m. until 7:00 p.m. on the day of such election. All qualified electors of Miami-Dade County, Florida, shall be entitled to vote at said election. The County registration books shall remain open at the Office of the Miami-Dade County Supervisor of Elections until

thirty (30) days prior to the date of such election, at which time the registration books will close in accordance with the provisions of the general election laws. The question shall appear on the ballot in substantially the following form:

MIAMI-DADE HOME RULE CHARTER AMENDMENT RELATING TO  
APPROVAL OF INITIATIVE PETITIONS

SHALL SECTION 7.01(1) OF THE HOME RULE CHARTER  
BE AMENDED TO PROVIDE THAT THE CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS APPROVE THE  
FORM OF INITIATIVE PETITIONS, RATHER THAN THE  
BOARD OF COUNTY COMMISSIONERS?

YES

☐

NO

☐

Section 4. The form of the ballot shall be in accordance with the requirements of the general elections laws.

Section 5. Early voting shall be conducted in accordance with the requirements of the general election laws.

Section 6. Absentee paper ballots may be used by qualified electors of Miami-Dade County for voting on this question at said special election. The form of such absentee ballot shall be in accordance with the requirements prescribed by the general elections laws.

Section 7. A sample ballot showing the manner in which the question of proposal aforesaid will appear at this special election shall be published and provided in accordance with the applicable provisions of the general election laws.

Section 8. This special election on the question aforesaid shall be held and conducted in accordance with applicable provisions of the general laws relating to special elections and the

provision of the Miami-Dade County Home Rule Charter. The County Manager, the Finance Director, the Supervisor of Elections, and the Clerk of the County Commissioner are hereby authorized and directed to take all appropriate actions necessary to carry into effect and accomplish the provisions of this resolution. This special election shall be a nonpartisan election. Election officials in connection with this special election shall be appointed in accordance with the provisions of the general elections laws.

Section 9. This special election shall be canvassed by the County Canvassing Board, in accordance with the provisions of Section 2.07 of the Home Rule Charter.

The foregoing resolution was sponsored by Senator Javier D. Souto and offered by  
Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by  
Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro  
Audrey M. Edmonson  
Sally A. Heyman  
Dorrian D. Rolle  
Katy Sorenson  
Sen. Javier D. Souto

Jose "Pepe" Diaz  
Carlos A. Gimenez  
Barbara J. Jordan  
Natacha Seijas  
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 9<sup>th</sup> day of May, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Cynthia Johnson-Stacks

## ARTICLE-7<sup>1</sup>

### INITIATIVE, REFERENDUM, AND RECALL

#### Section 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the ~~[[Board which]]~~ >>Clerk of the Board of County Commissioners which<< shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.

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<sup>1</sup>Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.